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**DATE:** August 6, 2003 **TIME:** 8:52 PM  
**TO:** Examiner Lauren Q. Wells **PHONE:** (703) 305-1878  
GAU 1617 **FAX:** (703) 872-9307  
**FROM:** Dorene M. Price **PHONE:** (631) 531-1194  
Estée Lauder Companies **FAX:** (631) 744-3594  
**RE:** Response to Final Office Action (Serial No. 09/441,832)

**CC:****Number of pages including cover sheet:** ||**Message**

Please see the attached documents in response to the final office action.

- Certificate of Transmission
- Amendment ( 10 pp)

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Attorney Docket No.: 98.41US-CPA(2870/192)

PATENT

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Lawson, et al.

Serial No.: 09/441,832

Group Art Unit: 1617

Filed: November 17, 1999

Examiner: Wells, Lauren Q.

For: Gel-Type Oil Free Cosmetic

**RESPONSE PURSUANT TO 37 CFR 1.111**

**Introductory Comments**

Assistant Commissioner of Patents and Trademarks

Washington, D.C. 20231

Dear Sir:

In the Examiner's Office Action, dated May 6, 2003, Claims 1 to 26 are rejected. Previously in the prosecution of this application, Claims 1 to 3, 7 to 19, 21, 23, 25 and 26 were withdrawn, and Claims 4 to 6, 20, 22, and 24 remained as pending claims. In response to the rejections in the present office action and consistent with the previously withdrawn claims, please enter the following amendments on and consider the following remarks on the following pages that are believed to place the application in condition for allowance or in better condition for appeal in the event the final rejection is maintained. With respect to the Examiner's rejection of Claims 12 and 26 obvious in view of the '420 reference or the '049 reference in combination with U.S. Patent No. 5,393,526 ("the '526 reference") and in combination with U.S. Patent No. 5,741,499 that are maintained in the present action, Applicants note that Claims 5, 12, 13 and 26 were withdrawn. No fee is believed to be due.

Attorney Docket No.: 98.41US-CPA(2870/192)

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#24/D  
N.E.  
AKD  
8-13-03RESPONSE PURSUANT TO 37 CFR 1.111Amendments

Please amend the following claims.

Claim 1. (withdrawn) A non-emulsion topical gel composition comprising an aliphatic polyhydric alcohol, an alkali salt of a fatty acid ester or an amine salt of a fatty acid ester, a carbohydrate-based or sterol-based surfactant/emulsifier or combination thereof, water, and substantially no oil.

Claim 2. (withdrawn) The composition of claim 1 in which the alkali salt is a sodium or potassium salt of a C12-C22 fatty acid.

Claim 3. (withdrawn) The composition of claim 2 in which the fatty acid is behenic acid.

Claim 4. (currently amended) ~~The composition of claim 1 further comprising~~ A non-emulsion topical gel composition comprising an aliphatic polyhydric alcohol, an alkali salt of a fatty acid ester or an amine salt of a fatty acid ester, a surfactant/emulsifier that is carbohydrate-based, water, and containing substantially no oil.

Claim 5. (original) The composition of claim 4 in which the surfactant/emulsifier is sucrose- or glucose-based.

Claim 6. (currently amended) The composition of claim 4 in which the surfactant/emulsifier is selected from the group consisting of PPG-20 methyl glucose ether, PPG-20 methyl glucose distearate, methyl